IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8825 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NILESHKUMAR ARVINDBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR HAROOBHAI MEHTA for Petitioner

MR PREMAL JOSHI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/04/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner had challenged the order dated 11.10.1990 (Annexure "B" to the petition) debarring the petitioner from appearing at the examination being conducted by the Technical Examination Board, Gujarat State on four occasions on the ground that the petitioner had committed irregularity at the examination held in August/September, 1988.

2. Earlier this Court had passed an ad-interim order dated 16.1.1991 directing the respondent Board to allow the petitioner to appear at the second semester examination and at the examination in the subject of Science of the first semester scheduled to be held in January, 1991 subject to the result of the petition but there was a rider imposed that the result will not be declared without the permission of this Court. Subsequently by order dated 15.3.1991, this Court directed the authorities to declare the result of the petitioner at the examination and to allow the petitioner to proceed further on the basis of that result, subject to the result of the petition.

3. In view of the averment made in para 3 of the petition that the petitioner had already undergone the punishment of debarment from the four examinations and in view of the fact that for all practical purposes, the prayer (b) in the petition was granted by the aforesaid interim orders and in view of the fact that the petitioner must have already completed the relevant course, in the interests of justice this petition deserves to be disposed without any further orders.

4. The petition is accordingly disposed of in terms of the interim orders dated 16.1.1991 and 15.3.1991. Rule is made absolute with no order as to costs.

April 25, 2000 (M.S. Shah, J.)
sundar/-